

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**GREEN, et al.**

\*

**v.**

\*

**2:07-cv-92**

**CITY OF MONTGOMERY, et al.**

\*

**SECOND MOTION TO REMAND**

Now come the plaintiffs, by and through the undersigned and hereby move this honorable court to remand the above styled action to the Circuit Court of Montgomery County, Alabama. As grounds for such motion, the plaintiffs submit the following:

1. On February 5, 2007, Doc. #3, the plaintiffs filed a motion to remand the case to the Circuit Court of Montgomery County for lack of federal jurisdiction. On February 7, 2007, doc.#4, this court ordered the defendants to respond to the plaintiffs' motion to remand the case for lack of federal jurisdiction by February 28, 2007.
2. As of February 28, 2007, the defendants failed to respond to the plaintiffs' motion. In fact, as of the filing of this motion, the defendants have yet to tender any response to the plaintiffs' motion to remand.
3. Due to the failure of the defendants to comply with the court's order and respond to the plaintiffs' motion now some thirty days past the court ordered deadline, the plaintiffs' motion should be deemed uncontested, and unless found to be without merit, granted by this honorable court.

Wherefore, premises considered, the plaintiffs pray that this court grant the plaintiffs' motion and remand the case to the Circuit Court of Montgomery County, Alabama for further proceedings.

Respectfully Submitted,

/s/ Joe M. Reed  
Joe M. Reed  
Attorney for Plaintiffs

**Certificate of Service**

I hereby certify that the foregoing was filed with the Clerk of the Court and that notice will be sent by the Clerk to the Honorable David Boyd, Assistant City Attorney, 103 North Perry Street, Montgomery, AL 36104, by electronic mail this 28<sup>th</sup> day of March, 2007.

/s/ Joe M. Reed  
Joe M. Reed